GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA

UNSTARRED QUESTION NO:1730
ANSWERED ON:12.12.2003
IMPORT OF LIFE SAVING DRUGS
PUSHPDAN SHAMBHUDAN GADHAVI

Will the Minister of COMMERCE AND INDUSTRY be pleased to state:

(a) whether the Government has struck a deal with WTO allowing India to import life saving medicines to fight AIDS, tuberculosis and other epidemics;

(b) if so, the details of the WTO deal;

(c) whether the duty structure on these life saving drugs has been decided; and

(d) if so, the details thereof?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (SHRI S.B. MOOKHERJEE)

(a)-(b) The Doha Declaration on the TRIPS Agreement and Public Health recognized that the TRIPS Agreement does not and shoul not prevent Members from taking measures to protect public health. It reaffirmed the right of WTO Members to use, to the full, the provisions in the TRIPS Agreement which provide flexibility for this purpose. The Declaration recognized that these facilities include the right of each Member to grant compulsory license and the freedom to determine the grounds upon which such license is granted, the right to determine what constitutes a national emergency or other circumstances of extreme urgency and the freedom to establish its own regime for exhaustion of intellectual property rights.

Paragraph 6 of the Doha Declaration recognized difficulties of WTO Members with insufficient or no manufacturing capacities in the pharmaceutical sector in making effective use of compulsory licensing under the TRIPS Agreement and instructed the Council for TRIPS to find an expeditious solutions to this problem.

The General Council of the WTO took a Decision on 30 August 2003 for implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health. The Decision allows manufacture and export of patented pharmaceutical products under a compulsory license to countries with limited or no manufacturing capacities in the pharmaceutical sector. This decision would enable countries with limited or no manufacturing capacities in the pharmaceutical sector to import pharmaceutical products at affordable prices.

(c)-(d) Customs duty on 126 life saving drugs/medicines was made zero vide Notification number 21/2002-Customs dated 1.3.2002.